

AMENDED IN SENATE AUGUST 2, 2010

AMENDED IN SENATE JULY 15, 2010

AMENDED IN ASSEMBLY MAY 12, 2010

AMENDED IN ASSEMBLY APRIL 26, 2010

AMENDED IN ASSEMBLY APRIL 14, 2010

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 2699**

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**Introduced by Assembly Member Bass**

February 19, 2010

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An act to amend Section 900 of, and to add Section 901 to, the Business and Professions Code, relating to healing arts.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2699, as amended, Bass. Healing arts: licensure exemption.

Existing law provides for the licensure and regulation of various healing arts practitioners by boards within the Department of Consumer Affairs. Existing law provides an exemption from these requirements for a health care practitioner licensed in another state who offers or provides health care for which he or she is licensed during a state of emergency, as defined, and upon request of the Director of the Emergency Medical Services Authority, as specified.

This bill would also provide an exemption from the licensure and regulation requirements for a health care practitioner, as defined, licensed or certified in another state who offers or provides health care services for which he or she is licensed or certified *through a sponsored*

*event, as defined, (1) to uninsured or underinsured persons, (2) on a short-term voluntary basis, (3) in association with a sponsoring entity that registers with the applicable healing arts board, as defined, and provides specified information to the county health department of the county in which the health care services will be provided, and (4) without charge to the recipient or a 3rd party on behalf of the recipient, as specified. The bill would also require an exempt health care practitioner to obtain prior authorization to provide these services from the applicable licensing board, as defined, and to satisfy other specified requirements. The bill would require the applicable licensing board to notify the sponsoring entity, as defined, of the sponsored event whether the board approves or denies a request for authorization to provide these services within 20 days of receipt of the request. The bill would also prohibit a contract of liability insurance issued, amended, or renewed on or after January 1, 2011, from excluding coverage of these practitioners or a sponsoring entity for providing care under these provisions.*

*To because this bill would expand the definition of certain crimes, the bill would create a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 900 of the Business and Professions Code
- 2 is amended to read:
- 3 900. (a) Nothing in this division applies to a health care
- 4 practitioner licensed in another state or territory of the United
- 5 States who offers or provides health care for which he or she is
- 6 licensed, if the health care is provided only during a state of
- 7 emergency as defined in subdivision (b) of Section 8558 of the
- 8 Government Code, which emergency overwhelms the response
- 9 capabilities of California health care practitioners and only upon

1 the request of the Director of the Emergency Medical Services  
2 Authority.

3 (b) The director shall be the medical control and shall designate  
4 the licensure and specialty health care practitioners required for  
5 the specific emergency and shall designate the areas to which they  
6 may be deployed.

7 (c) Health care practitioners shall provide, upon request, a valid  
8 copy of a professional license and a photograph identification  
9 issued by the state in which the practitioner holds licensure before  
10 being deployed by the director.

11 (d) Health care practitioners deployed pursuant to this chapter  
12 shall provide the appropriate California licensing authority with  
13 verification of licensure upon request.

14 (e) Health care practitioners providing health care pursuant to  
15 this chapter shall have immunity from liability for services rendered  
16 as specified in Section 8659 of the Government Code.

17 (f) For the purposes of this section, “health care practitioner”  
18 means any person who engages in acts which are the subject of  
19 licensure or regulation under this division or under any initiative  
20 act referred to in this division.

21 (g) For purposes of this section, “director” means the Director  
22 of the Emergency Medical Services Authority who shall have the  
23 powers specified in Division 2.5 (commencing with Section 1797)  
24 of the Health and Safety Code.

25 SEC. 2. Section 901 is added to the Business and Professions  
26 Code, to read:

27 901. (a) For purposes of this section, the following provisions  
28 apply:

29 (1) “Board” means the applicable healing arts board, under this  
30 division or an initiative act referred to in this division, responsible  
31 for the licensure or regulation in this state of the respective health  
32 care practitioners.

33 (2) “Health care practitioner” means ~~a physician and surgeon,~~  
34 ~~podiatrist, osteopathic physician and surgeon, chiropractor, dentist,~~  
35 ~~dental hygienist, nurse, vocational nurse, optometrist, or physician~~  
36 ~~assistant.~~ *any person who engages in acts that are subject to*  
37 *licensure or regulation under this division or under any initiative*  
38 *act referred to in this division.*

39 (3) “Sponsored event” means *an event, not to exceed 10*  
40 *calendar days, administered by either a sponsoring entity or a*

1 *local government, or both, through which health care is provided*  
2 *to the public without compensation to the health care practitioner.*

3 ~~(3)–~~

4 (4) “Sponsoring entity” ~~may include, but is not limited to,~~ means  
5 a nonprofit organization *organized pursuant to Section 501(c)(3)*  
6 *of the Internal Revenue Code* or a community-based organization.

7 ~~(4)–~~

8 (5) “Uninsured or underinsured person” means a person who  
9 does not have health care coverage, including private coverage or  
10 coverage through a program funded in whole or in part by a  
11 governmental entity, or a person who has health care coverage,  
12 but the coverage ~~does not extend to the~~ *is not adequate to obtain*  
13 *those* health care services offered by the health care practitioner  
14 under this section.

15 (b) ~~Nothing in this division applies to a~~ A health care practitioner  
16 licensed or certified in good standing in another state, district, or  
17 territory of the United States who offers or provides health care  
18 services for which he or she is licensed or certified ~~if both~~ *is exempt*  
19 *from the requirement for licensure if all of the following*  
20 *requirements are met:*

21 (1) ~~Prior to providing these services, he or she submits those~~  
22 *services, he or she:*

23 (A) *Obtains authorization from the board to participate in the*  
24 *sponsored event after submitting to the board a valid copy of his*  
25 ~~or her~~ *copy of his or her valid license or certificate and a*  
26 *photographic identification issued by the state in which he or she*  
27 *holds licensure or certification. The board shall notify the*  
28 *sponsoring entity, within 20 calendar days of receiving a request*  
29 *for authorization, whether that request is approved or denied,*  
30 *provided that, if the board receives a request for authorization*  
31 *less than 20 days prior to the date of the sponsored event, the*  
32 *board shall make reasonable efforts to notify the sponsoring entity*  
33 *whether that request is approved or denied prior to the date of*  
34 *that sponsored event.*

35 (B) *Satisfies the following requirements:*

36 (i) *The health care practitioner has not committed any act or*  
37 *been convicted of a crime constituting grounds for denial of*  
38 *licensure or registration under Section 480.*

1     (ii) *The health care practitioner has the appropriate education*  
2     *and experience to participate in a sponsored event, as determined*  
3     *by the board.*

4     (iii) *The health care practitioner shall agree to comply with all*  
5     *applicable practice requirements set forth in this division and the*  
6     *regulations adopted pursuant to this division.*

7     (C) *Submits to the board, on a form prescribed by the board, a*  
8     *request for authorization to practice without a license, and pays*  
9     *a nominal fee, in an amount determined by the board by regulation,*  
10    *to cover the cost of processing the request.*

11    (2) The services are provided under all of the following  
12    circumstances:

13    (A) To uninsured or underinsured persons.

14    (B) On a short-term voluntary basis, not to exceed a ~~10-day~~  
15    *10-calendar-day* period per sponsored event.

16    (C) In association with a sponsoring entity that complies with  
17    subdivision (c).

18    (D) Without charge to the recipient or to a third party on behalf  
19    of the recipient.

20    (c) *The board may deny a health care practitioner authorization*  
21    *to practice without a license if the health care practitioner fails*  
22    *to comply with the requirements of this section or for any act that*  
23    *would be grounds for denial of an application for licensure.*

24    ~~(e)~~

25    (d) A sponsoring entity seeking to provide, or arrange for the  
26    provision of, health care services under this section shall do both  
27    of the following:

28    (1) Register with ~~the board~~ *each applicable board under this*  
29    *division for which an out-of-state health care practitioner is*  
30    *participating in the sponsored event* by completing a registration  
31    form that shall include all of the following ~~elements~~:

32    (A) The name of the sponsoring entity.

33    (B) The name of the principal individual or individuals who are  
34    the officers or organizational officials responsible for the operation  
35    of the sponsoring entity.

36    (C) The address, including street, city, ZIP Code, and county,  
37    of the sponsoring entity's principal office and each individual listed  
38    pursuant to subparagraph (B).

1 (D) The telephone number for the principal office of the  
2 sponsoring entity and each individual listed pursuant to  
3 subparagraph (B).

4 (E) Any additional information required by the board.

5 (2) Provide the information listed in paragraph (1) to the county  
6 health department of the county in which the health care services  
7 will be provided, along with any additional information that may  
8 be required by that department.

9 ~~(d)~~

10 (e) The sponsoring entity shall notify the board and the county  
11 health department described in paragraph (2) of subdivision ~~(e)~~  
12 (d) in writing of any change to the information required under  
13 subdivision ~~(e)~~ *within 30 (d) within 30 calendar* days of the change.

14 ~~(e) Within 15~~

15 (f) *Within 15 calendar* days of the provision of health care  
16 services pursuant to this section, the sponsoring entity shall file a  
17 report with the board and the county health department of the  
18 county in which the health care services were provided. This report  
19 shall contain the date, place, type, and general description of the  
20 care provided, along with a listing of the health care practitioners  
21 who participated in providing that care.

22 ~~(f)~~

23 (g) The sponsoring entity shall maintain a list of health care  
24 practitioners associated with the provision of health care services  
25 under this section. The sponsoring entity shall maintain a copy of  
26 each health care practitioner's current license or certification and  
27 shall require each health care practitioner to attest in writing that  
28 his or her license or certificate is not suspended or revoked pursuant  
29 to disciplinary proceedings in any jurisdiction. The sponsoring  
30 entity shall maintain these records for a period of at least five years  
31 following the provision of health care services under this section  
32 and shall, upon request, furnish those records to the board or any  
33 county health department.

34 ~~(g) The board may revoke the registration of a sponsoring entity~~  
35 ~~that fails to comply with subdivision (e) or (f).~~

36 (h) A contract of liability insurance issued, amended, or renewed  
37 in this state on or after January 1, 2011, shall not exclude coverage  
38 of a health care practitioner or a sponsoring entity that provides,  
39 or arranges for the provision of, health care services under this

1 section, provided that the practitioner or entity complies with this  
2 section.

3 (i) Subdivision (b) shall not ~~apply to be construed to authorize~~  
4 a health care practitioner ~~who renders to render~~ care outside the  
5 scope of practice authorized by his or her license or certificate *or*  
6 *this division.*

7 (j) *(1) The board may terminate authorization for a health care*  
8 *practitioner to provide health care services pursuant to this section*  
9 *for failure to comply with this section, any applicable practice*  
10 *requirement set forth in this division, any regulations adopted*  
11 *pursuant to this division, or for any act that would be grounds for*  
12 *discipline if done by a licensee of that board.*

13 (2) *The board shall provide both the sponsoring entity and the*  
14 *health care practitioner with a written notice of termination*  
15 *including the basis for that termination. The health care*  
16 *practitioner may, within 30 days after the date of the receipt of*  
17 *notice of termination, file a written appeal to the board. The appeal*  
18 *shall include any documentation the health care practitioner wishes*  
19 *to present to the board.*

20 (3) *A health care practitioner whose authorization to provide*  
21 *health care services pursuant to this section has been terminated*  
22 *shall not provide health care services pursuant to this section*  
23 *unless and until a subsequent request for authorization has been*  
24 *approved by the board. A health care practitioner who provides*  
25 *health care services in violation of this paragraph shall be deemed*  
26 *to be practicing health care in violation of the applicable*  
27 *provisions of this division, and be subject to any applicable*  
28 *administrative, civil, or criminal fines, penalties, and other*  
29 *sanctions provided in this division.*

30 (k) *The provisions of this section are severable. If any provision*  
31 *of this section or its application is held invalid, that invalidity shall*  
32 *not affect other provisions or applications that can be given effect*  
33 *without the invalid provision or application.*

34 SEC. 3. *No reimbursement is required by this act pursuant to*  
35 *Section 6 of Article XIII B of the California Constitution because*  
36 *the only costs that may be incurred by a local agency or school*  
37 *district will be incurred because this act creates a new crime or*  
38 *infraction, eliminates a crime or infraction, or changes the penalty*  
39 *for a crime or infraction, within the meaning of Section 17556 of*  
40 *the Government Code, or changes the definition of a crime within*

- 1 *the meaning of Section 6 of Article XIII B of the California*
- 2 *Constitution.*

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